

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DANIEL S. PORTER,

Case No. 3:22-cv-00089-RCJ-CLB

Petitioner,

ORDER

v.

GARRETT, et al.,

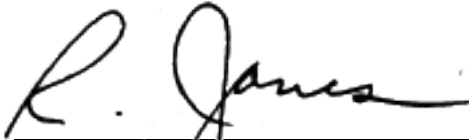
Respondents.

On November 2, 2022, this Court granted counseled Petitioner Daniel S. Porter's motion for leave to file a third amended petition for writ of habeas corpus and ordered Porter to file a status report upon the completion of his investigation. (ECF No. 18.) On May 3, 2023, Porter filed his status report, informing this Court that he has completed his investigation. (ECF No. 23.) As such, this Court will enter a scheduling order for the briefing of Porter's third amended petition.

IT IS THEREFORE ORDERED that Porter has up to and including 90 days from entry of this order within which to file a third amended petition. Neither the foregoing deadline nor any extension thereof signifies or will signify any implied finding as to the expiration of the federal limitation period and/or of a basis for tolling during the time period established. Porter remains responsible for calculating the running of the federal limitation period and timely asserting claims, without regard to any deadlines established or extensions granted herein. That is, by setting a deadline to file a third amended petition and/or by granting any extension thereof, the Court makes no finding or representation that the petition, any amendments thereto, and/or any claims contained therein are not subject to dismissal as untimely. *See Sossa v. Diaz*, 729 F.3d 1225, 1235 (9th Cir. 2013).

1 IT FURTHER IS ORDERED that the remainder of this Court's original scheduling order
2 (ECF No. 12) remains in effect.

3 Dated: May 8, 2023

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5 ROBERT C. JONES
6 UNITED STATES DISTRICT JUDGE
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